

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1889 of 2005

Between:

Sri. E.Subramanyam S/o E.Chennaiah
O/o Assistant General Manager, (Planning) O/o General
Manager, BSNL, Tirupathi, Chittoor District

..... PETITIONER

AND

- 1 The Chief General Manager,
BSNL., Andhra Pradesh, Hyderabad
- 2 The General Manager, BSNL., Tirupathi, Chittoor District
- 3 The Assistant General Manager (Planning)

BSNL., O/o General Manager, Telecom District,
K.t. Road, Tirupathi, Chittoor District

- 4 The Sub Divisional Engineer, (Planning-I) BSNL.,

O/o General Manager, B.S.N.L., Telecom District,
K.T. Road, Tirupathi, Chittoor District

- 5 The Sub Divisional Engineer (MM),

O/o General Manager, TD., K.T. Road, Tirupathi,
Chittoor district

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or a Writ more particularly in the nature of writ of Mandamus by declaring the in action of the respondents in conferring temporary status of a Group-D benefit on the petitioner as per the extant circulars dt 14-8-98, 20-11-2k and also inaction on the representation submitted

dt 18-11-03 for the said purpose is arbitrary, illegal being violation of Art. 14, 16 & 21 of the Constitution of India and consequently direct the respondents No. 2 to confer temporary status of a Group-D and consequent regularization from 9-6-2000 & 1-10-2000 respectively with consequential benefits and pass such other or further orders deemed fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.KRISHNA DEVAN

Counsel for the Respondents: MRS.CH.LAKSHMI KUMARI .

The Court, at the admission stage, made the following:

THE HONOURABLE SRI JUSTICE K.C.BHANU

-

WRIT PETITION NO : 1889 of 2005

-

ORDER:

-

This writ petition has been filed to declare the action of the respondents in not conferring the temporary status of Group-D benefit on the petitioner and inasmuch as the delay in taking decision in pursuance of the representation of the petitioner, dated 18-11-2003, as arbitrary, illegal being violation of Articles 14, 16 and 21 of the Constitution of India.

2. The learned counsel for the petitioner contended that the Sub-Divisional Engineer (Vigilance), Bharat Sanchar Nigam Limited, Tirupathi, sent the representations of 49 persons, including the representation of the petitioner, to the respondents 1 and 2 for taking further action. But, the respondents 1 and 2 have not yet taken any decision on the representation of the petitioner. Therefore, a direction may be given to the respondents 1 and 2 for taking necessary action.

3. On the other hand, Smt.Ch.Lakshmi Kumari, the learned Standing Counsel, appearing for the respondents, contended that depending upon the vacancies, eligibility and Rules, the respondents have to take appropriate decision.

4. After considering the rival submissions made by the counsel for the petitioner and the Standing Counsel for the respondents, I am of the considered opinion that the respondents 1 and 2 have to take appropriate decision for conferring temporary status of Group-D benefit on the petitioner depending

upon the petitioner's eligibility criteria. Hence, I deem it consider to dispose of the writ petition with some direction.

5. Therefore, the respondents 1 and 2 are directed to take appropriate decision based on the representation of the petitioner, dated 18-11-2003 and also the recommendations made by the 5th respondent-Sub Divisional Engineer (MM) and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order in accordance with law. If the respondents 1 and 2 require any documents from the petitioner to take appropriate decision, the same can be obtained from him after giving a reasonable opportunity.

6. Accordingly, the writ petition, with the above direction, is disposed of. No costs.

February 8, 2005

Furnish C.C. by 09-02-2005

B/o.

Kvr

To

- 1 The Chief General Manager,
BSNL., Andhra Pradesh, Hyderabad
- 2 The General Manager, BSNL., Tirupathi, Chittoor District
- 3 The Assistant General Manager (Planning)

BSNL., O/o General Manager, Telecom District,
K.t. Road, Tirupathi, Chittoor District

- 4 The Sub Divisional Engineer, (Planning-I) BSNL.,
O/o General Manager, B.S.N.L., Telecom District,

K.T. Road, Tirupathi, Chittoor District
5 The Sub Divisional Engineer (MM),

O/o General Manager, TD., K.T. Road, Tirupathi,
Chittoor district

6. 2 C.D copies.